

Remarks

Claims 1-21 are pending in the above-identified application. The Examiner rejected claims 1-3, 5-10, 12-17, and 19-20 under 35 U.S.C. § 102(e), and rejected claims 4, 11 and 18 under 35 U.S.C. § 103(a). With this amendment Applicant has amended claims 1 and 8, and has cancelled, without prejudice, claims 15-21.

In the office action the Examiner suggested certain correction of the drawings. Since these are suggested changes, Applicant would provide such suggested corrections to the drawings upon indication of allowability of the present application.

Applicant has carefully reviewed the application and drawings. On page 4, line 6, of the specification it identifies the browser as element 106, and the browser in Fig. 1 is clearly labeled 106. On page 5, line 17, of the specification information 118 is described as having input 190, and environmental information 193, among other possible items. This input information (element 190) and the environmental information (element 195) flow from the user 104 to the browser 106 along the connection path that is labeled "start". Note that the lines for elements 190 and 195 have arrowheads and do not actually touch the connection path. This notation is used throughout the figures to denote the information, data, signals, etc. that flow along the connections, such as passage 107. Thus, there are no errors in the figures.

At present Applicant does not believe that it is necessary to correct the drawings, and the Examiner is respectfully requested to reconsider the requirement to correct the drawings.

According to the present application, one embodiment of the present invention is a method having a first instruction to execute a target program that is unsupported by a server application is received at a server. The server application is located on the server. A second instruction is employed in a supported program to cause execution of the target program. The

second instruction is based on the first instruction. The supported program is supported by the server application.

Another embodiment of the present system includes a component that receives a first instruction at a server to execute a target program that is unsupported by a server application. The server application is located on the server. The system includes a component that employs a second instruction in a supported program to cause execution of the target program. The second instruction is based on the first instruction. The supported program is supported by the server application.

Claim Rejections - 35 U.S.C. §102:

MPEP §2129 states: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,631,2 USPQ2d 1051,1053 (Fed. Cir.1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236,9 USPQ2d 1913,1920 (Fed. Cir.1989). The elements must be arranged as required by the claim, but this is not an *ipsisimilis verbis* test, i.e., identity of terminology is not required. In *Bond*, 910 F.2d 831,15 USPQ2d 1566 (Fed. Cir.1990).

The Examiner rejected claims 1-3, 5-10, 12-17, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Broulik et al. (U.S. Patent 6,323,881).

As to claim 1, the Examiner alleges that Broulik teaches (col. 4, line 48 - col. 5, line 34) receiving a first instruction (a request from browser 40) at a server (server 30) to execute a target program (telecom application 54) that is unsupported by a server application (server

finds ... passes the requests to it), wherein the server application is located on the server (the server 14 ... API-I col. 1, lines 42-54), and employing a second instruction (application call) in a supported program (CGI task 44) to cause execution of the target program (the CGI task 44 ... reply data), wherein the second instruction is based on the first instruction (the request has been ... into a CGI request, converts the CGI request into appropriate application call), wherein the supported program is supported by the server application (The HTTP server -is supported by common gateway interface tasks; col. 2, line 64 - col. 4, line 7).

Broulik et al. disclose a web based graphical user interface (GUY) server and method for a telecommunications node that provides craft user interface capability with regard to remote login. The server is accessed using a PC resident browser thereby providing a standard GUI client that is both economical and in widespread use. A session manager ensures that all requests from a browser relating to a particular session are handled by the same task interface. Up to four concurrent sessions can be run on the telecommunications node. A proxy server provides the capability to access remote nodes via a local node. (see Abstract of Broulik et al.)

The present application is in a different technical area. For example, on page 11 of the specification lines 3-12, the claim feature of employing a second instruction in a supported program to cause execution of the target program, wherein the second instruction is based on the first instruction, wherein the supported program is supported by the server application, is set forth. Instructions 135 of information 134 at facilitation program 112 in one example are unsupported by target program 114. For example, instructions 135 comprise form 111 that is unrecognized directly by target program 114. At STEP 147 in one example facilitation program 112 modifies form 111 of instructions 135 to obtain instructions 149 that comprise form 151 that is recognized (e.g., directly) by target program 114. For instance, server program 109 at STEP 146 sends instructions 135 that comprise form 111 of HyperText

Markup Language, and facilitation program 112 at STEP 147 modifies instructions 135 to obtain instructions 149 that comprise form 151 of Java programming language. In a further example, interpreter 314 (FIG. 3) serves to pass instructions 149 for use during (e.g., direct) execution of a Java program that comprises target program 114.

On page 8 of the specification and referring to FIG. 1 it is set forth that at STEP 132 server program 109 employs information 122 from browser 106 to obtain information 134. Server application 110 at STEP 132 employs information 122 to obtain information 134. Information 134 is based (e.g., in part) on information 122. Information 134 comprises one or more of a number of instructions 135, information 138, 144, and 145, names 141 and 142, and location indicator 188. Instructions 135 of information 134 are based (e.g., in part) on instructions 125 of information 122. Instructions 135 serve to cause execution of facilitation program 112 and/or target program 114. One or more of instructions 135 serve to (e.g., directly) cause and/or initiate execution of facilitation program 112. Name 141 is based on name 126 of information 122. Name 141 serves to identify facilitation program 112. Location indicator 188 is based on location indicator 172 of information 122. Location indicator 188 serves to locate and/or allow location of facilitation program 112. Name 142 is based on name 128 of information 122. Name 142 serves to identify target program 114. Location indicator 180 is based on location indicator 179 of information 122. Location indicator 180 serves to locate and/or allow location of target program 114. For example, location indicator 180 comprises physical and/or logical directory information 181, for instance, of target program 114 on base 103 of server 108.

The Examiner has cited in column 5, lines 26-28, that Broulik et al. teach only that if the request is a command, i.e., user wants to perform some action such as listing all alarms, the CGI task 44 converts the CGI request into appropriate application call, to telecom applications 54 and gets the application reply data. The reply data are then converted into an

HTML file and send back through the server 30 (or the proxy 28 if the request came from a remote browser) to the originating browser 40. This completes the request and the user can now issue another transaction.

Broulik et al. teach that if the request is a command or navigation, the server 30 finds the appropriate session CGI task 44 and passes the requests to it. The server 30 has changed the request from an HTTP request into a CGI request. According to Broulik et al., when the CGI task 44 gets the request, it first determines if the request is a navigation or a command request. If it is navigation request, the CGI task 44 retrieves a template for the new menu. The template is actually an HTML file. The CGI task 44 sends the template back through the server 30 to the originating browser 40. This completes the request and the user can now issue another transaction. If the request is a command, the CGI task 44 converts the CGI request into appropriate application call, to telecom applications 54 and gets the application reply data. The reply data are then converted into an HTML file and send back through the server 30 to the originating browser 40. This completes the request.

However, Broulik et al. do not teach or suggest information 134 that comprises one or more of a number of instructions 135, information 138, 144, and 145, names 141 and 142, and location indicator 188. Each of the independent claims 1, and 8 have the claimed feature of receiving first information having at least a first instruction, names, and location indicators at a server to execute a target program that is unsupported by a server application, wherein the names identify the server application, that is located on the server, and the target program, and wherein the location indicators serve to locate the server application and the target program. Broulik et al do not provide information that includes the name and location of CGI task 44 and the telecom applications 54, as well as, the command. Therefore, Broulik et al. do not anticipate the claimed invention of the present application as set forth in independent claims 1, 8 and 15.

As to claim 2, the Examiner alleges that Broulik teaches (col. 5, lines 13-34) selecting at least one of the target program (telecom application 54) and the supported program (the server 30 finds the appropriate session CGI task 44) to comprise a program that is located on the server.

As to claim 3, the Examiner alleges that Broulik teaches initiating an execution of the target program on the server (the CGI task 44 converts ... reply data; col. 5, lines 25-34 and Fig. 3).

As to claim 5, the Examiner alleges that Broulik teaches determining an output of the target program, and sending the output to the supported program (If the request is a command... gets the application reply data; col. 5, lines 25-34).

As to claim 6, the Examiner alleges that Broulik teaches selecting the supported program to comprise a common gateway interface program (the server 30 finds the ... CGI task 44- col. 5, lines 12-16).

As to claim 7, the Examiner alleges that Broulik teaches modifying the first instruction to obtain the second instruction (the CGI task 44 converts the CGI request into appropriate application call; col. 5, lines 25-34).

As to claim 8, the Examiner only stated that they correspond to the method claim of claim 1 except they are a system and an article claims, respectively.

As to claims 9-10, the Examiner only referred to the rejections of claims 2-3.

As to claims 12-14, the Examiner only referred to the rejections of claims 5-7.

However, since the dependent claims include all the limitations of the respective independent claim, upon which they depend, Broulik et al do not anticipate the dependent claims. The dependent claims are believed allowable for the same reasons as the related independent claims, as well as their own additional characterizations.

Therefore, the rejections of claims 1-3, 5-10, and 12-14 under 35 U.S.C. 102(e) as being anticipated by Broulik et al. (U.S. Patent 6,323,881) have been overcome, and the Examiner is respectfully requested to reconsider these rejections.

Claim Rejections - 35 U.S.C. §103:

MPEP §706.02(j) states: "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

MPEP §2143.01 states: "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved, as a whole would have suggested to those of ordinary skill in the art. In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

The Examiner also rejected claims 4, and 1 under 35 U.S.C. 103(a) as being unpatentable over Broulik et al.

As to claim 4, the Examiner admitted that Broulik et al. does not explicitly teach employing the supported program to determine an input for the target program, and sending the input to the target program. The Examiner alleges that Broulik teaches a command request that is converted into an appropriate application call by a CGI task, and that the telecom application is executed and resulted are returned to the CGI task. It would have been obvious to one of ordinary skill in the art that the input for the target program is known by the CGI task in order to invoke the target application.

As to claim 11, the Examiner only referred to the rejection of claim 4.

Each of claims 4 and 11 is a dependent claim that claims the feature of: employing the supported program to determine an input for the target program; and sending the input to the target program. The Examiner has admitted that Broulik et al. does not explicitly teach employing the supported program to determine an input for the target program, and sending the input to the target program. However, since these claims have all the limitations of the respective independent claims upon which they depend, these claims are not unpatentable over Broulik et al.

To establish a prima facie case of obviousness, the Examiner must demonstrate all of the following elements: 1) suggestion or motivation, either in the references themselves or in the knowledge of one of ordinary skill in the art, to combine the reference teachings; 2) reasonable expectation of success found in the prior art; and 3) the prior art references (combined) must teach or suggest all of the claim limitations. The prima facia case of obviousness determination was improperly made out. The Examiner has not demonstrated all the elements of the prima facia case. Thus, the opinion of obviousness is deficient and the

Applicants are deserving of a patent.

Therefore, the rejections of claims 4 and 11 under 35 U.S.C. § 103(a) have been overcome, and the Examiner is respectfully requested to reconsider these rejections.

Applicants respectfully submit that the applied references, taken singly or in combination, assuming, arguendo, that the combination of the applied references is proper, do not teach or suggest one or more elements of the claimed invention. Applicants have discussed herein one or more differences between the cited prior art, and the claimed invention with reference to one or more parts of the cited prior art. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of cited prior art correspond to the claimed invention.

Reconsideration and withdrawal of all rejections is therefore respectfully requested. Furthermore, in view of the above remarks, allowance of all pending claims is respectfully requested.

The prior art made of record and not relied upon is considered to be of general interest only. This application is believed to be in condition for allowance, and such action at an early date is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carmen B. Patti', written over a horizontal line.

Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Dated: January 8, 2004

PATTI & BRILL, LLC
Customer Number 32205